

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1336

Introduced by Assembly Member Daucher

February 21, 2003

An act to amend Sections 56836.08 and 56836.15 of the Education Code, relating to special education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1336, as amended, Daucher. Special education: funding.

Existing law requires the Superintendent of Public Instruction to make annual computations to determine the amount of funding for each special education local plan area for that fiscal year. Existing law sets forth a formula for making that computation and provides for both an inflation adjustment and a growth adjustment to be calculated each year based on the statewide target amount per unit of average daily attendance for special education local plan areas.

This bill would revise the formula for ~~determining the statewide target amount per unit of average daily attendance for special education local plan areas~~ for purposes of calculating the inflation adjustment and the growth adjustment for the 2003–04 fiscal year and each fiscal year thereafter.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 56836.08 of the Education Code is amended to read:

56836.08. (a) For the 1998–99 fiscal year, the superintendent shall make the following computations to determine the amount of funding for each special education local plan area:

(1) Add the amount of funding per unit of average daily attendance computed for the special education local plan area pursuant to paragraph (1) of subdivision (a) of Section 56836.10 to the inflation adjustment computed pursuant to subdivision (d) for the 1998–99 fiscal year.

(2) Multiply the amount computed in paragraph (1) by the units of average daily attendance reported for the special education local plan area for the 1997–98 fiscal year, exclusive of average daily attendance for absences excused pursuant to subdivision (b) of Section 46010, as that subdivision read on July 1, 1996.

(3) Add the actual amount of the equalization adjustment, if any, computed for the 1998–99 fiscal year pursuant to Section 56836.14 to the amount computed in paragraph (2).

(4) Add or subtract, as appropriate, the adjustment for growth computed pursuant to Section 56836.15 from the amount computed in paragraph (3).

(b) For the 1999–2000 fiscal year and each fiscal year thereafter, the superintendent shall make the following computations to determine the amount of funding for each special education local plan area for the fiscal year in which the computation is made:

(1) Add the amount of funding per unit of average daily attendance computed for the special education local plan area for the prior fiscal year pursuant to Section 56836.10 to the inflation adjustment computed pursuant to subdivision (d) for the fiscal year in which the computation is made.

(2) Multiply the amount computed in paragraph (1) by the units of average daily attendance reported for the special education local plan area for the prior fiscal year.

(3) Add the actual amount of the equalization adjustment, if any, computed for the special education local plan area for the fiscal year in which the computation is made pursuant to Section 56836.14 to the amount computed in paragraph (2).

(4) Add or subtract, as appropriate, the adjustment for growth or decline in enrollment, if any, computed for the special education local plan area for the fiscal year in which the computation is made pursuant to Section 56836.15 from the amount computed in paragraph (3).

(c) For the 1998–99 fiscal year and each fiscal year thereafter, the superintendent shall make the following computations to determine the amount of General Fund moneys that the special education local plan area may claim:

(1) Add the total of the amount of property taxes for the special education local plan area pursuant to Section 2572 for the fiscal year in which the computation is made to the amount of federal funds allocated for the purposes of paragraph (1) of subdivision (a) of Section 56836.09 for the fiscal year in which the computation is made.

(2) Add the amount of funding computed for the special education local plan area pursuant to subdivision (a) for the 1998–99 fiscal year, and commencing with the 1999–2000 fiscal year and each fiscal year thereafter, the amount computed for the fiscal year in which the computations were made pursuant to subdivision (b) to the amount of funding computed for the special education local plan area pursuant to Article 3 (commencing with Section 56836.16).

(3) Subtract the sum computed in paragraph (1) from the sum computed in paragraph (2).

(d) For the 1998–99 fiscal year and each fiscal year thereafter, the superintendent shall make the following computations to determine the inflation adjustment for the fiscal year in which the computation is made:

(1) For the 1998–99 fiscal year, multiply the sum of the statewide target amount per unit of average daily attendance for special education local plan areas for the 1997–98 fiscal year computed pursuant to paragraph (3) of subdivision (a) of Section 56836.11 and the amount determined pursuant to paragraph (e) of Section 56836.155 for the 1997–98 fiscal year that corresponds to the amount determined pursuant to paragraph (1) of subdivision (d) of Section 56836.155 by the inflation adjustment computed pursuant to Section 42238.1 for the 1998–99 fiscal year.

~~(2) For the 1999–2000 fiscal year and each fiscal year thereafter~~

(2) *For the 1999–2000 to 2002–03 fiscal years, inclusive, multiply the sum of the statewide target amount per unit of average daily attendance for special education local plan areas for the prior fiscal year computed pursuant to subparagraphs (A) and (B) Section 56836.11 and the amount determined pursuant to paragraph (1) of subdivision (d) of Section 56836.155 for the prior fiscal year by the inflation adjustment computed pursuant to Section 42238.1 for the fiscal year in which the computation is made.*

~~(A) For the fiscal years 1999–2000 to 2002–03, inclusive, the statewide target amount per unit of average daily attendance for special education local plan areas for the prior fiscal year shall be computed pursuant to Section 56836.11.~~

~~(B)~~

(3) (A) *For the 2003–04 fiscal year and each fiscal year thereafter, the statewide target multiply the sum of the statewide average amount per unit of average daily attendance determined pursuant to subparagraph (B) and the amount determined pursuant to paragraph (1) of subdivision (d) of Section 56836.155 for the prior fiscal year by the inflation adjustment computed pursuant to Section 42238.1 for the fiscal year in which the computation is made.*

(B) *The statewide average amount per unit of average daily attendance for special education local plan areas for the prior fiscal year shall be equal to the amount determined pursuant to clause (i) divided by the amount determined pursuant to clause (ii).*

(i) *Total the amount of funding computed pursuant to this section for each special education local plan area for the prior fiscal year, exclusive of the amount of funding computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, plus any ongoing supplemental funding or equalization aid received in the prior fiscal year.*

(ii) *Total the number of units of average daily attendance reported for each special education local plan area for the prior fiscal year, exclusive of the number of units of average daily attendance computed for the special education local plan area identified as the Los Angeles County Juvenile Court and*

1 Community School/Division of Alternative Education Special
2 Education Local Plan Area.

3 ~~(3)~~

4 (4) For the purposes of computing the inflation adjustment for
5 the special education local plan area identified as the Los Angeles
6 County Juvenile Court and Community School/Division of
7 Alternative Education Special Education Local Plan Area for the
8 1998–99 fiscal year and each fiscal year thereafter, the
9 superintendent shall multiply the amount of funding per unit of
10 average daily attendance computed for that special education local
11 plan area for the prior fiscal year pursuant to Section 56836.10 by
12 the inflation adjustment computed pursuant to Section 42238.1 for
13 the fiscal year in which the computation is being made.

14 (e) For the 1998–99 fiscal year and each fiscal year thereafter
15 to and including the 2002–03 fiscal year, the superintendent shall
16 perform the calculation set forth in Section 56836.155 to
17 determine the adjusted entitlement for the incidence of disabilities
18 for each special education local plan area, but this amount shall not
19 be used in the next fiscal year to determine the base amount of
20 funding for each special education local plan area for the current
21 fiscal year, except as specified in this article.

22 SEC. 2. Section 56836.15 of the Education Code is amended
23 to read:

24 56836.15. (a) In order to mitigate the effects of any declining
25 enrollment, commencing in the 1998–99 fiscal year, and each
26 fiscal year thereafter, the superintendent shall calculate allocations
27 to special education local plan areas based on the average daily
28 attendance reported for the special education local plan area for the
29 fiscal year in which the computation is made or the prior fiscal
30 year, whichever is greater. However, the prior fiscal year average
31 daily attendance reported for the special education local plan area
32 shall be adjusted for any loss or gain of average daily attendance
33 reported for the special education local plan area due to a
34 reorganization or transfer of territory in the special education local
35 plan area.

36 (b) For the 1998–99 fiscal year only, the prior year average
37 daily attendance used in this section shall be the 1997–98 average
38 daily attendance reported for the special education local plan area,
39 exclusive of average daily attendance for absences excused

1 pursuant to subdivision (b) of Section 46010, as that section read
2 on July 1, 1996.

3 (c) If in the fiscal year for which the computation is made, the
4 number of units of average daily attendance upon which
5 allocations to the special education local plan area are based is
6 greater than the number of units of average daily attendance upon
7 which allocations to the special education local plan area were
8 based in the prior fiscal year, the special education local plan area
9 shall be allocated a growth adjustment equal to the product
10 determined by multiplying the amounts determined under
11 paragraphs (1) and (2).

12 ~~(1) The statewide target amount per unit of average daily~~
13 ~~attendance for special education local plan areas determined~~
14 ~~pursuant to subparagraphs (A) and (B), added to the amount~~
15 ~~determined in paragraph (1) of subdivision (d) of Section~~
16 ~~56836.155.~~

17 ~~(A) For the fiscal years 1998–99 to 2002–03, inclusive, the~~
18 *(1) (A) For the fiscal years 1998–99 to 2002–03, inclusive,*
19 *add the statewide target amount per unit of average daily*
20 *attendance for special education local plan areas shall be computed*
21 *determined pursuant to Section 56836.11 to the amount*
22 *determined pursuant to paragraph (1) of subdivision (d) of Section*
23 *56836.155.*

24 (B) For the 2003–04 fiscal year and each fiscal year thereafter,
25 the statewide ~~target average~~ amount per unit of average daily
26 attendance for special education local plan areas ~~shall be equal to~~
27 ~~the amount for the current fiscal year, as determined pursuant to~~
28 ~~clause (i) divided by the amount determined pursuant to clause (ii)~~
29 ~~and, multiplied by one plus the inflation factor computed pursuant~~
30 ~~to subdivision (b) of Section 42238.1 for the fiscal year in which~~
31 ~~the computation is made, and added to the amount determined~~
32 ~~pursuant to paragraph (1) of subdivision (d) of Section 56836.155.~~

33 (i) Total the amount of funding computed pursuant to Section
34 56836.08 for each special education local plan area for the prior
35 fiscal year, exclusive of the amount of funding computed for the
36 special education local plan area identified as the Los Angeles
37 County Juvenile Court and Community School/Division of
38 Alternative Education Special Education Local Plan Area, plus
39 any ongoing supplemental funding or equalization aid received in
40 the prior fiscal year.

(ii) Total the number of units of average daily attendance reported for each special education local plan area for the prior fiscal year, exclusive of the number of units of average daily attendance computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area.

(2) The difference between the number of units of average daily attendance upon which allocations to the special education local plan area are based for the fiscal year in which the computation is made and the number of units of average daily attendance upon which allocations to the special education local plan area were based for the prior fiscal year.

(d) If in the fiscal year for which the computation is made, the number of units of average daily attendance upon which allocations to the special education local plan area are based is less than the number of units of average daily attendance upon which allocations to the special education local plan area were based in the prior fiscal year, the special education local plan area shall receive a funding reduction equal to the product determined by multiplying the amounts determined under paragraphs (1) and (2):

(1) The amount of funding per unit of average daily attendance computed for the special education local plan area for the prior fiscal year.

(2) The difference between the number of units of average daily attendance upon which allocations to the special education local plan area are based for the fiscal year in which the computation is made and the number of units of average daily attendance upon which allocations to the special education local plan area were based for the prior fiscal year.

(e) If, in the fiscal year for which the computation is made, the number of units of average daily attendance upon which the allocations to the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area are based is greater than the number of units of average daily attendance upon which the allocations to that special education local plan area were based in the prior fiscal year, that special education local plan area shall be allocated a growth

1 adjustment equal to the product determined by multiplying the
2 amounts determined under paragraphs (1) and (2).

3 (1) The amount of funding per unit of average daily attendance
4 computed for the special education local plan area for the prior
5 fiscal year pursuant to Section 56836.10 multiplied by one plus the
6 inflation adjustment computed pursuant to Section 42238.1 for the
7 fiscal year in which the computation is being made.

8 (2) The difference between the number of units of average
9 daily attendance upon which allocations to the special education
10 local plan area are based for the fiscal year in which the
11 computation is made and the number of units of average daily
12 attendance upon which allocations to the special education local
13 plan area were based for the prior fiscal year.

14 SEC. 3. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety
16 within the meaning of Article IV of the Constitution and shall go
17 into immediate effect. The facts constituting the necessity are:

18 In order to provide necessary funding adjustments for special
19 education local plan areas as soon as possible, it is necessary for
20 this act to take effect immediately.

